IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc.No.50330-M of 2005 (O&M)

Date of Decision: November 27, 2006

Surinder Singh and others

...Petitioners

VERSUS

State of Punjab & others

...Respondents

CORAM: HON'BLE MR.JUSTICE RANJIT SINGH

PRESENT: Mr.Mohit Jaggi, Advocate,
for Mr.Girish Agnihotri, Advocate,
for the petitioners.

Mr.M.C.Berry, Sr.DAG, Punjab,
for the State.

Mr.Abhishek Arora, Advocate.

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On 24.5.2006, the parties were directed to appear before the Chief Judicial Magistrate on 12.6.2006, who was directed to record the statements of the parties in terms of the compromise and to place the same on record. Pursuant thereto, the parties have put in appearance before the Chief Judicial Magistrate and their statements have been recorded. The Chief Judicial Magistrate has forwarded copies of the statements, compromise along with his report. The same had already been placed on record. The perusal of the report, statements and other documents on record shows that FIR No. 9 dated

27.1.2001 was registered under Sections 406/498-A IPC at Police Station Cantt. Ferozepur on the basis of a letter. The challan was then presented against accused Gurbachan Singh, Avtar Kaur, Surinder Singh, Rajinder Kaur and Gurdeep Kaur. Charges were also framed under Section 406/498-A IPC. While the evidence was being recorded in this case, petition under Section 482 Cr.P.C. was filed for quashing of the FIR on the basis of a compromise. In this background, the case was sent back to the Chief Judicial Magistrate for recording the statements of the parties and to submit his report. Now the parties have given their respective statements to the effect that they have reached a compromise. The compromise was placed on record before the Chief Judicial Magistrate as Ex.D1. A demand draft of Rs.75,000/- dated 8.6.2006 was handed over to Shri G.S.Arora, Advocate, who is special attorney of Maninder Kaur. Shri G.S.Arora then gave a statement regarding the receipt of this draft as well as about the compromise. The Chief Judicial Magistrate has reported that the marriage between Maninder Kaur and Surinder Singh stands already dissolved by decree of divorce granted on the ground of mutual consent on 27.4.2005. Copy of the said judgment was also placed on record before the Chief Judicial Magistrate. It was noticed that the parties have effected the compromise. Thus, the compromise has been confirmed by the report given by the Chief Judicial Magistrate.

Since the matrimonial dispute arising in this case has been amicably settled, no useful purpose would be served in continuing with the criminal proceedings any further. Rather allowing the proceedings to continue may amount to abuse of process of the

Court. In view of the Full Bench decision of this Court reported as Dharambir Vs. State of Haryana, 2005(3) RCR (Criminal) 426 and the law laid down by the Hon'ble Supreme Court in the case of B.S.Joshi Vs. State of Haryana, (2003) 4 SCC 675, the criminal proceedings arising out of matrimonial dispute can be ordered to be quashed on the basis of compromise.

Accordingly, the present petition is allowed and the FIR No.9 dated 27.1.2001 under Sections 406/498-A IPC registered at Police Station Cantt.Ferozepur and the subsequent proceedings arising therefrom are hereby quashed.

November 27, 2006 (RANJIT SINGH)
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